

REMARKS

The application has been reviewed in light of the Office Action mailed August 12, 2004. Claims 44-53 have been cancelled. Claims 1, 3, 5, 14, 16, 18, 21-37, 39, and 41-42 have been amended. Claims 54-60 have been added. Claims 1-43, and 54-60 are pending. No new matter has been added. Reconsideration and allowance of the application are respectfully requested in light of the foregoing amendments and the following remarks.

Claims 3, 16, 25, and 39 stand rejected under 35 U.S.C. § 112, second paragraph, for having insufficient antecedent basis for the claim term “the frequency.” Each of these claims has been amended to obviate this rejection. Specifically, claims 3, 16, 25, and 39 have been amended to recite “said radio waves have a frequency.” Withdrawal of this rejection is requested.

Claims 5, 18, 27, and 41 stand rejected under 35 U.S.C. § 112, second paragraph, for having insufficient antecedent basis for the claim term “the vicinity.” Each of these claims has been amended to obviate this rejection. Specifically, claims 5, 18, 27, and 41 have been amended to recite “within a vicinity” that is sufficiently close to establish a wireless communications path. Withdrawal of this rejection is requested.

Claims 1-6, 8-9, 12-19, 22-30, 36-41, 44-47, and 49-52 stand rejected to under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2001/0049262 by Lehtonen (“Lehtonen”).

The present invention relates to a “portable memory module [that] facilitates the transfer of data between various processor systems without the need for a physical connection between any of the processor systems and the memory module.” Abstract. As such, the portable memory module is capable of wirelessly communicating with a variety of systems to receive, store, and transfer data and files without ever establishing a physical connection with any of the systems.

Lehtonen, on the other hand, teaches using a wireless transfer of an audio signal between a mobile telephone and a headset in order to facilitate “hands-free implementation of the call.” Abstract. Lehtonen teaches sharing data, but only between the two components of one system, specifically between a headset and a telephone in a telephone system. In order to receive data such as data files from anywhere outside the system, Lehtonen requires the use of “a memory card inserted in the headset as an index.” [0039]. Lehtonen, unlike the present invention, requires a physical connection for the transfer of data between the portable headset and any outside processing systems. The headset of Lehtonen is not designed to be a wireless computer memory capable of being coupled to processor systems for downloading and uploading information into and out of the portable memory.

Independent claim 1 recites “A portable memory module comprising a transmitter/receiver circuit for (i) wirelessly receiving data and commands communicated to said module from a processing system and (ii) wirelessly transmitting stored data from said module.” Lehtonen does not teach or suggest a portable memory module comprising a transmitter/receiver circuit having these capabilities. The headset of Lehtonen does not have a transmitter circuit “for wirelessly receiving data and commands. . .from a processing system and [for] wirelessly transmitting stored data from said module.” For at least these reasons, Lehtonen does not anticipate the claimed invention.

Claims 2-13 each depend from claim 1 and contain all of the limitations recited by claim 1. For at least these reasons, these claims are also submitted to be allowable. It is requested that the rejections of claims 1-6, 8-9, and 12-13 be withdrawn.

Independent claim 14 recites a processor system comprising *inter alia*, “a transmitter/receiver circuit for wirelessly receiving data. . .from said portable memory module and [for] wirelessly transmitting data and commands. . . to said portable memory module; and a recharger for recharging a power supply in said portable memory module.” Lehtonen does not teach or even suggest a processor system having these elements. Specifically, Lehtonen does not teach a processing system for wirelessly receiving data from

a portable memory module and for wirelessly transmitting data and commands to the memory module, nor does Lehtonen teach a processor system having a recharger for recharging a power supply in a portable memory module. For at least these reasons, Lehtonen does not anticipate the claimed invention.

Claims 15-21 depend from claim 14 and contain all of the limitations recited by claim 14. For at least these reasons, these claims are also submitted to be allowable. It is requested that the rejections of claims 14-19 be withdrawn.

Similarly newly added independent claim 55 recites a wireless memory system comprising "a recharger for detachably receiving and recharging thereat a portable memory module. . . said portable memory module comprising . . . a transmitter/receiver for wirelessly exchanging data with a processor system." As stated above, Lehtonen does not teach or suggest a recharger for recharging a portable memory module that wirelessly exchanges data with a processor system as recited by claim 55, nor do the other references of record cure this deficiency. For at least these reasons, Lehtonen does not anticipate nor render obvious the claimed invention. Claims 56-60 depend from claim 55 and contain all of the limitations recited by claim 55. For at least these reasons, claims 55-60 are submitted to be allowable.

Independent claim 22 recites "a system for the wireless transfer of data." The system comprises a portable memory module having a transmitter receiver circuit for (i) wirelessly receiving data to be stored and commands communicated to said module from said first processor system and (ii) wirelessly transmitting stored data from said module." As explained above, Lehtonen does not teach or suggest a portable memory module in wireless communication with a processor system for wirelessly receiving, storing and transmitting data as claimed. For at least these reasons, Lehtonen does not anticipate the claimed invention.

Claims 24-35 depend from claim 22 and contain all of the limitations recited by claim 22. For at least these reasons, these claims are also submitted to be allowable. It is requested that the rejections of claims 22 and 24-30 be withdrawn.

Independent claim 36 recites a method of “wirelessly transmitting data from a first processor system to a portable memory module; receiving with said portable memory module said data transmitted from the first processor system and storing received data at said memory module; and wirelessly transmitting said stored data from said portable memory module to said first processor system.” Lehtonen does not teach or suggest a method of wirelessly transmitting data between a portable memory module and a processing system as claimed. The headset of Lehtonen does not receive “data [wirelessly] transmitted from the first processor system,” nor does it store “said received data at said memory module.” For at least these reasons, Lehtonen does not anticipate the claimed method.

Claims 38-43 depend from claim 36 and contain all of the limitations recited by claim 36. For at least these reasons, these claims are also submitted to be allowable. It is requested that the rejections of claims 36 and 38-41 be withdrawn.

Claims 7, 20, 35, 42, 43, 48, and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehtonen in view of U.S. Patent No. 6,259,405 to Stewart et al. (“Stewart”).

Even if there were some objective motivation to combine the geographic based communications service taught by Stewart with the hands-free telephone system function taught by Lehtonen, of which there is none, the combination would not render obvious the claimed invention. Neither of the references, whether considered alone or in combination, teach or suggest every limitation of claims 7, 20, 35, 42, and 43, as required under MPEP § 2143 to establish a *prima facie* case of obviousness. Specifically, for whatever Stewart teaches regarding the use of light waves for communication in a

geographic based system, Stewart does not cure the deficiencies of Lehtonen as discussed above.

Further, in order to establish a *prima facie* case of obviousness, “there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings.” M.P.E.P. § 2143. Stewart provides no objective motivation for combining the geographic based communications service with a hands-free telephone system (Lehtonen), nor does the teaching of Lehtonen provide motivation to utilize light waves as taught by Stewart. Rather, it appears the Office Action is using improper hindsight to combine the two distinct teachings. For at least these reasons, withdrawal of the rejection is requested.

Claims 10-11, 21, 31-32, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehtonen in view of U.S. Patent No. 4,143,417 to Wald et al. (“Wald”).

Even if there were some objective motivation to combine the hand-held data gathering unit with rechargeable battery taught by Wald with the hands-free telephone system function taught by Lehtonen, of which there is none, the combination would not render obvious the claimed invention. Neither of the references, whether considered alone or in combination, teach or suggest every limitation of claims 10-11, 21, 31-32, and 34, as required under MPEP § 2143 to establish a *prima facie* case of obviousness. Specifically, for whatever Wald teaches regarding a “self contained electrical power supply unit,” Wald does not cure the deficiencies of Lehtonen as discussed above. For at least these reasons, withdrawal of the rejection is requested.

Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehtonen in view of Wald and further in view of U.S. Patent No. 6,031,353 to Banyas et al. (“Banyas”).

None of the cited references, whether considered alone or in combination, teach or suggest every limitation of claim 33 as required under MPEP § 2143 to establish a *prima facie* case of obviousness. Specifically, for whatever Banyas teaches regarding a “stand-alone recharger,” Banyas does not cure the deficiencies of Lehtonen and Wald as discussed above. For at least these reasons, withdrawal of the rejection is requested. In fact, like Lehtonen, Banyas teaches that a mobile telephone may have a connectable “plug-in memory cartridge,” not the claimed portable memory module for wireless data transfer of the claimed invention. See Col. 1, lines 15.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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